

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Examining Operations

Applicant(s): Cook, et al

Serial No: 10/043,471

Filed: January 11, 2002

Title: Use of High Density Microparticles for Removal of Pathogens

Customer No.: 27162

Attorney

Docket No.: 61750-378

RECEIVED
JUL 2 2003
PC 1706

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

Enclosed please find the following:

1. Response to Restriction Requirement with Traverse of Same; and
2. A self-addressed, postage paid, return receipt postcard, date stamp and return of which is respectfully requested.

The Commissioner is authorized to charge payment of any additional filing fees required under 37 C.F.R. 1.16 associated with this communication or credit any overpayment to Deposit Account No. 03-0678.

FIRST CLASS CERTIFICATE

I hereby certify that this paper and the attachments hereto are being deposited today with the U.S. Postal Service with sufficient postage as First Class Mail to addressee, under 37 CFR 1.8, on the date indicated above address:

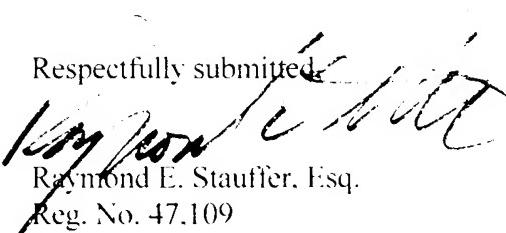
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Raymond E. Stauffer, Esq.

Date

#189250 v1

Respectfully submitted,


Raymond E. Stauffer, Esq.
Reg. No. 47,109

CARELLA, BYRNE, BAIN, GILFILLAN,
CECCHI, STEWART & OLSTEIN
Six Becker Farm Road
Roseland, New Jersey 07068
T: (973) 994-1700
F: (973) 994-1744

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Applicant : Cook *et al.*
Serial No. : 10/043,471
Filed : January 11, 2002
Title: USE OF HIGH DENSITY MICROPARTICLES
FOR REMOVAL OF PATHOGENS
Examiner : David A. Reifsnyder
Art Unit : 1723
Attorney Docket No. : 61750-378

RECEIVED
JUL 3 2003
PTO 1723

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

July 25, 2003

RESPONSE TO RESTRICTION REQUIREMENT,
WITH TRAVERSE OF SAME

Dear Sir:

In response to the Restriction Requirement mailed June 25, 2003, Applicants elect the claims of Group I, that is claims 1-28 drawn to methods of removing target pathogens from a biological fluid, with the following remarks to be considered in traverse.

Serial No: 10 043,471
Filed: January 11, 2002

Deposit Account No.: 03-0678.

RECEIVED
JUL 31 2003
PC 1700

Respectfully submitted,

Raymond E. Stauffer
Raymond E. Stauffer, Esq.
Reg. No. 47,109

CARELLA, BYRNE, BAIN,
GILFILLAN,

CECCHI, STEWART & OLSTEIN
6 Becker Farm Road
Roseland, NJ 07068
Tel. No.: (973) 994-1700
Fax No.: (973) 994-1744

CERTIFICATE OF MAILING

Deposit Date: July 25, 2003

I hereby certify that this paper and the attachments hereto are being deposited today with the U.S. Postal Service with sufficient postage as First Class Mail to Addressee, under 37 CFR 1.8, on the date indicated above addressed to:

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Raymond E. Stauffer 7/25/03
Raymond E. Stauffer, Esq. Date
#188649 v1 - response to restriction requirement

REMARKS

Reconsideration of the Restriction Requirement is requested in view of the fact that the method and product claims are related inventions. Group I and Group II are related in that the products of Group II have *particular* application to the processes of Group I.

Moreover, Applicants' Attorney has been unable to uncover *any* reference suggesting that the product comprising *high density microparticles coated with a poly(glutamic acid, lysine, tyrosine) tri-amino acid polymer in a 6:3:1 ratio*, as so claimed, "can be used in a materially different process." [MPEP 806.05(h)], than that claimed in Group I. Specifically, Applicants' Attorney can find no reference comporting with the Examiner's suggestion that the product, as claimed (Group II), can be "used as ion exchange resins for the purification of solutions, in particular aqueous solutions, in order to remove pollutant ions, such as heavy metals and radio-nuclides therefrom." Significantly, Sigma-Aldrich the maker of the tri-amino acid polymer component of these claims (Product P8854)(see page 21 of the specification), offers no insight as to the *polymer* component's major industrial use (See www.sigma-aldrich.com). That the *combination* of that polymer component with a high density microparticle component can be used for the *materially different process* asserted by the Examiner, seems specious at best.

It is believed that no fee is due, however, if any fee is due it should be charged to